

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

PLAINTIFF,

CASE NO.

VS.

3:17-CV-00939-WHA

UBER TECHNOLOGIES, INC.,

OTTOMOTTO LLC; OTTO

TRUCKING LLC,

DEFENDANTS.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF KEVIN FAULKNER

SAN FRANCISCO, CALIFORNIA

MONDAY, APRIL 17, 2017

VOLUME I

Reported By:

MEGAN F. ALVAREZ,

RPR, CSR No. 12470

Job No. 2594030

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1 either wasn't available or wasn't cooperative, and 13:26:53
2 so we were able to do full, thorough investigations 13:26:56
3 looking at the devices rather than the people. 13:27:00
4 Q. Has Mr. Levandowski been cooperative in 13:27:03
5 this investigation? 13:27:06
6 A. I don't know. Again, I understand that my 13:27:07
7 team spoke with him and that he provided 13:27:09
8 information, but I don't know whether I'd consider 13:27:11
9 him cooperative or not. 13:27:14
10 Q. Have you asked to see Mr. Levandowski's 13:27:16
11 personal devices, such as a personal cellular phone? 13:27:18
12 A. I believe we asked about devices that he 13:27:22
13 used, and there was a device which he claimed was 13:27:25
14 personal. But I don't believe it was a cell phone; 13:27:32
15 I think it was a computer. 13:27:34
16 Q. And did you search that computer? 13:27:37
17 A. No. That computer was not provided to us. 13:27:40
18 That computer, he claimed, was personal. And since 13:27:43
19 we are retained by Uber and work for Uber, we have 13:27:47
20 access only to the computers owned by Uber or 13:27:51
21 willingly provided by any of the employees. 13:27:54
22 Q. So to be clear, you did ask 13:27:57
23 Mr. Levandowski to see that computer? 13:27:59
24 A. We asked him, number one, if that computer 13:28:00
25 was an Uber device and, number two, to see it when 13:28:03

1 he -- he maintained that it was not a Uber device; 13:28:06
2 it was a personal device. 13:28:11
3 Q. And he did not allow you to search that 13:28:13
4 computer? 13:28:15
5 A. No, he did not turn over that computer 13:28:16
6 and, therefore, we couldn't search it. 13:28:18
7 Q. Have you seen the due diligence report 13:28:20
8 prepared by a third party in connection with Uber's 13:28:22
9 acquisition of Otto? 13:28:25
10 A. No. 13:28:26
11 Q. Are you aware of that due diligence 13:28:26
12 report? 13:28:28
13 A. No. 13:28:28
14 Q. This is the first time that you've heard 13:28:29
15 of it? 13:28:30
16 A. Yeah, I've heard that there's some 13:28:32
17 questions around due diligence, but I have no 13:28:34
18 knowledge of what that is in this matter. 13:28:36
19 Q. In the course of your forensic 13:28:40
20 investigation, your firm searched Uber's computer 13:28:42
21 systems for file names matching the file names of 13:28:45
22 the 14,000 downloaded files, correct? 13:28:47
23 A. Among other things, yes. 13:28:50
24 Q. You also searched Uber's computer systems 13:28:52
25 for file names matching file names of some 13:28:54

CERTIFICATE OF REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

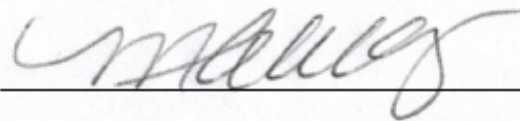
That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a verbatim record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction; and that the foregoing is an accurate transcription thereof.

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [] was [X] was not requested.

I further certify that I am neither financially interested in the action, nor a relative or employee of any attorney of any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

DATED: April 17, 2017

A handwritten signature in dark ink, appearing to read 'M. Alvarez', is written over a horizontal line.

MEGAN F. ALVAREZ

CSR No. 12470, RPR